

# Civil Grand Jury

Every year, in each of California's 58 counties, a group of ordinary citizens takes an oath to serve as grand jurors. Its function is to investigate the operations of the various officers, departments and agencies of local government. Each Civil Grand Jury determines which officers, departments and agencies it will investigate during its term of office.

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## What is a county grand jury?

In California, the grand jury system consists of 58 separate grand juries—one in each county—that are convened on an annual basis by the Superior Court to carry out three functions:

- Investigating and reporting on the operations of local government (which is known as the "watchdog " function a civil, rather than criminal function),
- Issuing criminal indictments to require defendants to go to trial on felony charges, and
- Investigating allegations of a public official's corrupt or willful misconduct in office, and when warranted, filing an "accusation" against that official to remove him or her from office. The accusation process is considered to be "quasi-criminal" in nature.

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## What does a grand jury do?

With regard to its watchdog authority, the grand jury is well suited to the effective investigation of local governments because it is an independent body, operationally separate from the entities and officials it investigates. It conducts its investigations under the auspices of the Superior Court and has broad access to public officials, employees, records and information.

The grand jury's fact-finding efforts result in written reports which contain specific recommendations aimed at identifying problems and offering recommendations for improving government operations and enhancing responsiveness. In this way, the grand jury acts as a representative of county residents in promoting government accountability.

In some counties, the regular grand jury issues indictments. In others, the Superior Court, at the request of the District Attorney, impanels a separate "criminal grand jury" to hear evidence in support of an indictment. Accusations, which are also filed and taken to trial by the District Attorney, are filed infrequently. Overall, grand juries throughout the state spend considerably more time on investigating and reporting on local government operations than they do on criminal matters. CGJA does not get involved in the any criminal indictment matters; however, the Penal Code requires the Grand Jury to:

- Inquire into the condition and management of the detention facilities within the County
- Investigate and report on the operations, accounts and records of county and other local public agencies, officers, departments or functions
- Inquire into the willful or corrupt misconduct in office of public officers, and,
- Submit a final report of its Findings and Recommendations no later than the end of its term to the Presiding Judge of the Superior Court.

The local governmental entity to which a report is directed is required to answer both the Findings and Recommendations in writing and within a specified period of time after the issuance of the final report (60 days for officials or agency heads; 90 days for governing bodies).

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#### How does a grand jury operate?

As a truly independent body, each grand jury is free to choose which local governmental entities or public officials to investigate. With very limited exceptions, no one outside the grand jury can direct it to conduct an investigation. Ideas for investigations generally come by way of three avenues:

- citizen complaints,
- matters raised by the members of the grand jury, and
- referrals from the preceding grand jury.

During its investigations, the grand jury acts as a finder of fact. In addition to determining if the official or entity under investigation is adhering to the laws that govern the operations of that entity, the jury analyzes whether the entity is operating in a businesslike manner and providing public services effectively and economically.

While it has no authority to order or otherwise compel compliance with its recommendations, it is through its reports that the grand jury wields its power.

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#### What gives the grand jury authority?

Grand juries have existed in this state since the adoption of California's original Constitution in 1849-50. Section 23 of Article 1 of the state Constitution requires that a grand jury "be drawn and summoned at least once a year in each county." This Constitutional mandate is supported by statutory provisions found in the following:

- Sections 888 through 939.91 of the California Penal Code—relating to the selection and impanelling of grand jurors and to the grand jury's watchdog and indictment functions.
- Government Code sections 3060 through 3075—covers the grand jury's accusation process.

Many of the statutory provisions relative to the grand jury have been reviewed and interpreted by the California Supreme Court and the Courts of Appeal. Their written opinions, known as "case law," clarify the powers and duties of the grand jury. Because of the complexity of state law, the legislature has provided legal assistants for each county grand jury:

- A judge of the Superior Court
- The District Attorney
- The County Counsel
- The state Attorney General (under certain circumstances).

In addition, the law requires the Superior Court to ensure that each incoming grand jury receives training to help it understand these laws; this training also provides practical advice on conducting watchdog investigations and writing grand jury reports. Most grand juries are given a local orientation program in addition to attending training provided by CGJA.

For more information on the laws related to the grand jury, go to [CA Codes](#).

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### Who serves on county civil grand juries?

Civic-minded citizens who have chosen to give back to their communities by collaborating with a diverse group of like-minded persons over a one-year period to evaluate the operations of local governmental entities and the conduct of public officials, and to develop practical innovative recommendations for improving government operations.

Grand jurors are agents of change in their communities. They come from all walks of life. They bring with them a broad range of interests, talents and life experiences, but they share a dedication to democratic ideals and a willingness to devote their time and energies to matters of civic importance.

Drawing from the life experiences of these citizens, "... (a) grand jury is a short-lived, representative, non-political body of citizens functioning without hope of personal aggrandizement. It comes from the citizens at large and soon disappears into its anonymity without individual recognition or personal reward..." (Noah Weinstein and William J. Shaw, *Grand Jury Reports—A*

*Safeguard of Democracy*, 1962, Wash. U.L.Q., 191,191.)

All qualified persons are encouraged and welcome to apply for grand jury service.

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What are the requirements to be a grand juror?

Penal Code section 893 states that a person is qualified to be a grand juror if he or she:

- Is a citizen of the United States,
- Is at least 18 years old,
- Has been a resident of the county for at least one year immediately prior to selection,
- Possesses ordinary intelligence, sound judgment, and good character, and
- Possesses a sufficient knowledge of the English language to communicate both orally and in writing.

There are only four disqualifiers. A person is ineligible to act as a grand juror if he or she:

- Is serving as a trial juror in a state court at the time of selection,
- Has been discharged from grand jury service within the preceding year,
- Has been convicted of malfeasance in office or any felony or other high crime, or
- Is serving as an elected public officer.

No particular background, training or experience is necessary to be a grand juror. In fact, it is the diversity of its members that is one of the grand jury's greatest strengths.

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### Interested In Your Local Civil Grand Jury?

Click to join [your county's civil grand jury](#).

For more information, visit the [California Grand Jurors Association](#) (CGJA) website.